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DECISION



W. J. F. T. H.
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**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE#B-205029

DATE: February 22, 1982

MATTER OF Alfred Calcagni & Son, Inc.

DIGEST:

Request for review of award made under a grantee's solicitation will not be considered because same material issues involved are before a court of competent jurisdiction and the court has not indicated interest in obtaining views of GAO on issues.

Alfred Calcagni & Son, Inc. (Calcagni), has requested that our Office review the award to the DeStefano Building Corporation by the Town of Coventry Housing Authority for work on a project known as "North Road Terrace, Coventry, Rhode Island." This project is being partially financed by the Department of Housing and Urban Development.

It is the Calcagni contention that the awardee's bid was nonresponsive and that the award should have been made to Calcagni. Calcagni filed a complaint on the same basis in the United States District Court for the District of Rhode Island, requesting that any performance under the contract be enjoined, that the awardee's bid be rejected as nonresponsive, and that Calcagni "be awarded such other and further relief as may be just and equitable under the circumstances." In the complaint, Calcagni advised the court that it "is in the process of filing a bid protest with the General Accounting Office."

In correspondence filed with our Office subsequent to its initial complaint, Calcagni stated that the court would make no determination as to whether or not injunctive relief should be granted until it had received our views on the procurement procedures used by the Town of Coventry Housing Authority.

We have received no request from the court, nor any indication from the court, that the judge wants or expects our views. Moreover, we have been advised by the Clerk of the United States District Court for the District of Rhode Island that the court intends to proceed with the Calcagni request for injunctive relief with or without any decision by our Office on the merits of the complaint. Furthermore, we have not received a report on the matter from the grantee or grantor agency.

It is our policy not to review matters where the same material issues involved are before a court of competent jurisdiction unless the court expects, requests, or otherwise expresses an interest in receiving our views. M. D. Taddie and Company, Inc., B-199969, September 16, 1980, 80-2 CPD 199.

Accordingly, the protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel